

### REMARKS

Favorable reconsideration is respectfully requested in light of the following remarks, wherein Claims 1 and 4 are amended, and new Claim 6 is added to the application. Currently, Claims 1-6 are pending in the present application.

As an initial matter, the abstract stands objected to and Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants have amended the abstract and Claim 4 to remove these informalities. Accordingly, withdrawal of the objections to the specification and rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

Applicants express gratitude to Examiner Lopez for the courtesies granted Applicants' attorney during the recent interview. During the interview, the prior art reference to *Axinti et al.* was discussed, as well as proposed amendments to Claim 1. The Examiner agreed that certain claim amendments appeared to further clarify the features of the claimed invention, and therefore, overcome the art of record. Applicants are amending Claim 1 consistent with that agreement.

In particular, Claim 1 is amended to recite that the during compression of the tool, the piston maintains contact with the tool. None of the art of record discloses these patentable features.

In contrast, *Axinti* discloses a method of and apparatus for controlling pulse hydraulic generators. The Examiner alleges that there would fluid dispersed between piston 1 and tool 18 when pressure fluid enters chamber, and therefore, there would be contact between the piston and tool during stress pulse generation. However, the space between the generator walls 15 and the

lower end of the piston must be sufficiently small so that no fluid passes therebetween. Otherwise, fluid would be dispersed throughout that space causing fluid to leak out. In order to make the piston move back and forth, there must be substantially closed chambers e and f from which pressure fluid cannot leak between the piston and the body of the device. Otherwise, the device of *Axinti* would not function for its intended purpose. As such, *Axinti et al.* fails to disclose that the tool is in contact with the piston during stress pulse generation. In addition, *Axinti* fails to disclose compressing the tool while maintaining contact with the tool during compression of the tool, as defined in independent Claim 1. Accordingly, *Axinti et al.* fails to disclose the patentable features of independent Claim 1.

For at least the foregoing reasons, it is submitted that the apparatus of Claim 1, and the claims depending therefrom, are patentably distinguishable over the applied document. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

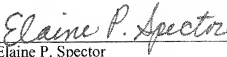
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: June 3, 2009  
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